

## REMARKS/ARGUMENTS

### 35 USC § 102(b)

Claims 1-6 were previously rejected under 35 USC § 102(e) as being anticipated by Pourahmadi et al. (US 6,440,725). The applicant respectfully disagrees. ***Pourahmadi fails to teach each and every element of claim 1*** (and claims 2-6 by virtue of their dependency on claim 1). Indeed, in both office actions in the present matter, the ***Office failed to provide any support for the presence of several of the claimed elements in the reference.***

#### *(1) Flexible Top Sheet*

Pourahmadi et al. fail to teach a flexible top sheet. The Examiner appears to argue that the flexible membrane within the cartridge (column 22, line 13) would be a flexible wall or top sheet. Such assertion is entirely inappropriate as ***a membrane within a container is not a wall or top sheet of the container.*** Consequently, and for at least this reason, the rejection should be withdrawn.

#### *(2) Fluid Receiving Port Is Configured To Receive A Continuous Flow Of A Biological Fluid*

Pourahmadi et al. fail to teach such a fluid port. The Examiner cites various passages in her office action in which such a port would allegedly be described by Pouramahdi. However, upon reading these passages, it is ***entirely unclear how these passages would properly apply to the claimed fluid port:***

Column 2, lines 58-65 teach column arrays integrally formed with at least one wall. Alternatively, a flow-through component comprises a channel or chamber in the cartridge containing a solid support. Clarification is respectfully requested how this passage was applied to the claimed fluid receiving port.

Column 6, lines 46-50 teach flow control elements that direct elution fluid into a reagent chamber that is in fluid communication with the reaction chamber. Again, clarification is respectfully requested how this passage was applied to the claimed fluid receiving port.

Column 9, lines 52-54 teach that elution fluid is forced from a storage region to another compartment via a specific channel. Once more, clarification is respectfully requested how this passage was applied to the claimed fluid receiving port.

Column 18, lines 40-45 teach that the cartridge may be fabricated in a manner to allow specific regions to interact with the external environment via magnetic forces, and that the container may include a reservoir with magnetic beads. Again, clarification is respectfully requested how this passage was applied to the claimed fluid receiving port.

*(3) Discharge Port Is Configured To Emit A Continuous Flow Of A Biological Fluid*

Pourahmadi et al. fail to teach such a discharge port. The Examiner cites various passages in her office action in which such a port would allegedly be described by Pouramahdi. However, upon reading these passages, it is again entirely unclear how these passages would properly apply to the claimed fluid port:

Column 6, lines 46-50 (which was cited twice by the Examiner) teach flow control elements that direct elution fluid into a reagent chamber that is in fluid communication with the reaction chamber. Clarification is respectfully requested how this passage was applied to the claimed fluid receiving port.

Column 9, lines 52-54 teach that elution fluid is forced from a storage region to another compartment via a specific channel. Once more, clarification is respectfully requested how this passage was applied to the claimed fluid receiving port.

Column 18, lines 40-45 teach that the cartridge may be fabricated in a manner to allow specific regions to interact with the external environment via magnetic forces, and that the container may include a reservoir with magnetic beads. Again, clarification is respectfully requested how this passage was applied to the claimed fluid receiving port.

*(4) Concurrent Charge and Discharge*

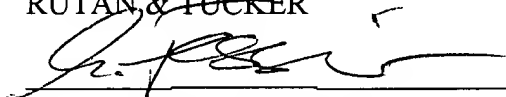
Still further, Pourahmadi also fails to teach that the discharge port is configured to emit a continuous flow of the biological fluid while the fluid receiving port receives the continuous

flow of the biological fluid. For the definition of the term "continuous" the applicant refers to the specification in which that term is defined.

The applicant believes that the present claim amendments are sufficient to overcome the Examiner's concerns and believes that the claims as amended are now in condition for allowance. Therefore, the applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

RUTAN & TUCKER

A handwritten signature in black ink, appearing to read 'M. Fessenmaier', is written over a horizontal line.

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